

johnniefortnerind

LEONARDO M. RAPADAS  
United States Attorney  
ROSETTA L. SAN NICOLAS  
Assistant U.S. Attorney  
Sirena Plaza Suite 500  
108 Hernan Cortez Avenue  
Hagatna, Guam 96910  
Telephone: (671) 472-7332  
Telecopier: (671) 472-7334

**FILED**  
DISTRICT COURT OF GUAM

OCT 17 2007

JEANNE G. QUINATA  
Clerk of Court

Attorneys for United States of America

IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

JOHNNIE FORTNER, and  
KELLY FRANCISCO,

Defendants.

CRIMINAL CASE NO. **07-00095**

INDICTMENT

CONSPIRACY TO MANUFACTURE  
METHAMPHETAMINE

[21 U.S.C. §§ 841(a)(1) & 846]  
(Count I)

ATTEMPTED MANUFACTURE OF  
METHAMPHETAMINE

[21 U.S.C. §§ 841(a)(1) & 846]  
(Count II)

THE GRAND JURY CHARGES:

**COUNT I - CONSPIRACY TO MANUFACTURE METHAMPHETAMINE**

Beginning on about January 2006, an exact date unknown, and continuing thereafter to and until October 9, 2007, in the District of Guam, the defendants herein, JOHNNIE FORTNER and KELLY FRANCISCO, and other co-conspirators both known and unknown, did unlawfully, knowingly, and intentionally combine, conspire, confederate and agree together with each other to manufacture in excess of 5 grams, net weight, of methamphetamine hydrochloride, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

//

1                   **COUNT II - ATTEMPTED MANUFACTURE OF METHAMPHETAMINE**


2                   Beginning on about January 2006, an exact date unknown, and continuing thereafter to  
3 and until October 9, 2007, in the District of Guam, the defendants herein, JOHNNIE FORTNER  
4 and KELLY FRANCISCO, did knowingly and intentionally attempted to manufacture five grams  
5 or more of methamphetamine hydrochloride, a Schedule II controlled substance, in violation of  
6 Title 21, United States Code, Sections 841(a)(1) and 846.

7                   Dated this 17<sup>th</sup> day of October, 2007.

8  
9  
10  
11                   LEONARDO M. RAPADAS  
12                   United States Attorney  
13                   Districts of Guam and the NMI

14                   By:   
15                   ROSETTA L. SAN NICOLAS  
16                   Assistant U.S. Attorney

17                   Reviewed:

18                   By:   
19                   JEFFREY J. STRAND  
20                   First Assistant U.S. Attorney

## Place of Offense:

City Hagåtña

## Related Case Information:

07-00095

Country/Parish \_\_\_\_\_

Superseding Indictment \_\_\_\_\_ Docket Number \_\_\_\_\_

Same Defendant \_\_\_\_\_ New Defendant x

Search Warrant Case Number \_\_\_\_\_

R 20/ R 40 from District of \_\_\_\_\_

## Defendant Information:

Juvenile: Yes \_\_\_\_\_ No X Matter to be sealed: \_\_\_\_\_ Yes x NoDefendant Name JOHNNIE FORTNER

Alias Name \_\_\_\_\_

Address \_\_\_\_\_

Mangilao, GuamRECEIVED  
OCT 17 2007DISTRICT COURT OF GUAM  
HAGATNA, GUAMBirthdate Xx/xx/1980 SS# xxx-xx- Sex F Race PI Nationality Chamorro

## U.S. Attorney Information:

AUSA Rosetta L. San NicolasInterpreter: X No \_\_\_\_\_ Yes \_\_\_\_\_ List language and/or dialect: \_\_\_\_\_

## Location Status:

Arrest Date \_\_\_\_\_

☐ Already in Federal Custody as of \_\_\_\_\_ in \_\_\_\_\_☐ Already in State Custody☐ On Pretrial Release

## U.S.C. Citations

Total # of Counts: 2 \_\_\_\_\_ Petty \_\_\_\_\_ Misdemeanor X Felony

## Index Key/Code

## Description of Offense Charged

## Count(s)

Set 1 21 USC 841(a)(1) & 846 Conspiracy to Manufacture Methamphetamine 1Set 2 21 USC 841(a)(1) & 846 Attempted Manufacture of Methamphetamine 2

Set 3 \_\_\_\_\_

Set 4 \_\_\_\_\_

(May be continued on reverse)

Date: 10/17/07 Signature of AUSA: [Signature]

## Place of Offense:

City Hagåtña

## Related Case Information:

07-00095

Country/Parish \_\_\_\_\_

Superseding Indictment \_\_\_\_\_ Docket Number \_\_\_\_\_

Same Defendant \_\_\_\_\_ New Defendant x

Search Warrant Case Number \_\_\_\_\_

R 20/ R 40 from District of \_\_\_\_\_

## Defendant Information:

Juvenile: Yes \_\_\_\_\_ No X Matter to be sealed: \_\_\_\_\_ Yes x NoDefendant Name KELLY FRANCISCO

Alias Name \_\_\_\_\_

Address \_\_\_\_\_

Mangilao, GuamRECEIVED  
OCT 17 2007DISTRICT COURT OF GUAM  
HAGATNA, GUAMBirthdate Xx/xx/1973 SS# xxx-xx- Sex M Race PI Nationality Chamorro

## U.S. Attorney Information:

AUSA Rosetta L. San NicolasInterpreter: X No \_\_\_\_\_ Yes \_\_\_\_\_ List language and/or dialect: \_\_\_\_\_

## Location Status:

Arrest Date \_\_\_\_\_

☐ Already in Federal Custody as of \_\_\_\_\_ in \_\_\_\_\_☐ Already in State Custody☐ On Pretrial Release

## U.S.C. Citations

Total # of Counts: 2 \_\_\_\_\_ Petty \_\_\_\_\_ Misdemeanor X Felony

## Index Key/Code

## Description of Offense Charged

## Count(s)

Set 1 21 USC 841(a)(1) & 846 Conspiracy to Manufacture Methamphetamine 1Set 2 21 USC 841(a)(1) & 846 Attempted Manufacture of Methamphetamine 2

Set 3 \_\_\_\_\_

Set 4 \_\_\_\_\_

(May be continued on reverse)

Date: 10/17/07 Signature of AUSA: 